

REMARKS*In the Claims*

Claim 95 has been amended to correct a clerical error in referring to claim 94. Claims 1-10, 13-33, 36-51, 54-66, 69-85 and 88-99 are pending.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-7, 10, 13, 17-31, 39-49, 54-62, 65, 70-76, 78-81, 84 and 89-99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stobbs et al. (U.S. Publication No. 2004/0039871) in view of Zitlaw et al. (U.S. Publication No. 2004/0128425). Applicant respectfully traverses the rejection.

Applicant notes that the Zitlaw et al. reference is unavailable for use in support of a rejection under 35 U.S.C. § 103(a). At the time the invention was made, the application from which the Zitlaw et al. application published and the subject matter of the present application were owned by, or subject to an obligation of assignment to, the same organization. Because the Zitlaw et al. reference qualifies as prior art only under 35 U.S.C. § 102(e), having published after the effective filing date of the present application, it cannot be used in support of a rejection under 35 U.S.C. § 103. *See*, 35 U.S.C. § 103(c). Applicant thus contends that the rejection under 35 U.S.C. § 103(a) in view of Zitlaw et al. is mooted.

In addition to the unavailability of Zitlaw et al. as a basis for a rejection under 35 U.S.C. § 103, Applicant respectfully asserts that Stobbs et al. fails to teach or suggest each and every element of claim 1. Specifically, Stobbs et al. fails to teach or suggest, at least in part, a controller adapted to “present the non-volatile memory device as a synchronous memory device through the external synchronous memory interface” as recited in claim 1.

Applicant thus respectfully submits that claim 1 is in condition for allowance. Applicant respectfully submits further that claims 22, 27, 45, 60, 75, 79, 94, 96, 98 and 99 are also in condition for allowance for substantially the same reasons as presented with respect to claim 1 discussed above. Applicant contends that claims 2-4, 6-7, 10, 13, 17-21, 23-26, 28-31, 39-44, 46-49, 54-59, 61-62, 65, 70-74, 76, 78, 80-81, 84, 89-93, 95 and 97 are also in condition for allowance in that these claims depend from and further define their respective patentably distinct base claims 1, 22, 27, 45, 60, 75, 79, 94 and 96.

Applicant therefore respectfully requests that the rejection of claims 1-4, 6-7, 10, 13, 17-31, 39-49, 54-62, 65, 70-76, 78-81, 84 and 89-99 under 35 U.S.C. § 103(a) as being unpatentable over Stobbs et al. in view of Zitlaw et al. be reconsidered and withdrawn.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Stobbs et al. (U.S. Publication No. 2004/0039871) in view of Zitlaw et al. (U.S. Publication No. 2004/0128425), further in view of Widdup (U.S. Patent No. 6,651,148). Claims 8, 32, 50, 63-64, 77 and 82-83 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stobbs et al. (U.S. Publication No. 2004/0039871) in view of Zitlaw et al. (U.S. Publication No. 2004/0128425), further in view of Wallace et al. (U.S. Patent No. 6,628,537). Claims 9, 33, 51, 66 and 85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stobbs et al. (U.S. Publication No. 2004/0039871) in view of Zitlaw et al. (U.S. Publication No. 2004/0128425), further in view of Meyer (U.S. Patent No. 4,065,862). Claims 14 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stobbs et al. (U.S. Publication No. 2004/0039871) in view of Zitlaw et al. (U.S. Publication No. 2004/0128425), further in view of Bartoli et al. (U.S. Patent No. 6,442,068). Claims 15-16, 37-38, 69 and 88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stobbs et al. (U.S. Publication No. 2004/0039871) in view of Zitlaw et al. (U.S. Publication No. 2004/0128425), further in view of "Background of the Invention" section of the current application. Applicant respectfully traverses the rejections.

Applicant respectfully submits that claims 1, 22, 27, 45, 60, 75 and 79 are in condition for allowance for the reasons presented above. Applicant further submits that the additional references are not asserted to overcome the deficiencies of Stobbs et al. and Zitlaw et al. with respect to claims 1, 22, 27, 45, 60, 75 and 79 and Applicant contends that they cannot do so. Accordingly, Applicant contends that claims 1, 22, 27, 45, 60, 75 and 79 remain patentably distinct from the cited references, taken either alone or in combination. Applicant therefore respectfully asserts that claims 5, 8, 9, 14-16, 32, 33, 36-38, 50, 51, 63-64, 66, 69, 77, 82-83, 85 and 88 are also in condition for allowance in that these claims depend from and further define their respective patentably distinct base claims 1, 22, 27, 45, 60, 75 and 79.

Applicant therefore respectfully requests that the rejections of claims 5, 8, 9, 14-16, 32, 33, 36-38, 50, 51, 63-64, 66, 69, 77, 82-83, 85 and 88 under 35 U.S.C. §103(a) with respect to the above mentioned references be reconsidered and withdrawn.

Art made of record and not relied upon by Examiner

The Examiner asserted that the reference of Charlier et al. (USPN: 2002/0114211) was not relied upon but is considered pertinent to Applicant's disclosure. Applicant respectfully asserts that Charier et al. does not teach or suggest, at least in part, Applicant's claimed subject matter such as recited in claim 1. Applicant contends that Charlier et al. discloses an asynchronous device which is accessible through a synchronous interface. However, Charlier et al. does not teach or suggest a device that presents itself through a synchronous interface as a synchronous device as recited in claim 1 and similarly in claims 22, 27, 45, 60, 75, 79, 94, 96, 98 and 99.

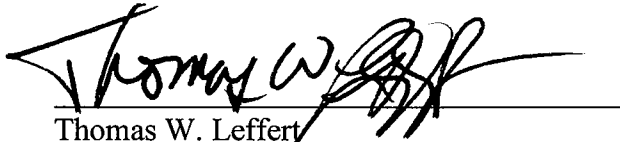
CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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